

Appl. No. 10/666,484
Amdt. dated October 21, 2004
Reply to Office Action dated July 21, 2004

REMARKS/ARGUMENTS

Claims 40-43 remain pending in this application.

In response to the objections, the duplicate claim 43 has been deleted. Claims are presented again for the Examiner's convenience.

The Specification has been amended to provide reference to the earlier filed application to comply with 35 U.S.C. §120.

Objections to the Specification

With respect to the Office Action's objection of the limitation, "conductive line" lacking antecedent basis in the Specification, Applicants direct Examiner to the earlier filed application of which Applicants have claimed priority under 35 U.S.C. §120. This terminology is presented and therefore provides support in the instant application.

Furthermore, For at least the reasons set forth below, Applicants respectfully submit that the language "conductive line" is supported by the application as originally filed. Applicants further submit that one of ordinary skill in the field of integrated circuit structures would readily comprehend Applicant's disclosure and the Claimed invention; and be in a position to make use of the Claimed invention.

Applicants respectfully call the Examiner's attention to the specification at page 2, lines 1-3, where it is stated: "[c]omplex ICs can often have many different built up layers, each layer having components, each layer having differing interconnections, and each layer stacked on top of the previous layer." It is very well known in this field that "interconnections" are conductive lines that carry signals or power from one location to another within the integrated circuit. In fact, *Chung* (US Patent 5,792,707), which the Examiner cites in the current Office Action, refers to such a linguistic equivalency between conductors and interconnections at col. 3, lines 36-38, wherein it is stated: "the raised portions 22 14 preferably comprise a conductor (interconnect) 14 covered by an insulating layer 22" [emphasis added]. The Examiner's attention is further called to page 15, lines 4-17, where it is explained that metal components (i.e., conductive lines) are

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covered with an inter-metal dielectric layer which is then required to be planarized, typically by chemical mechanical polishing. It is noted that the cross-sectional views of these components, which are shown in Applicants' figures, are a very common way of illustrating and describing conductive lines in all of the literature related to integrated circuit structures, including patents, reference articles, and textbooks related to integrated circuits.

In view of at least the foregoing, Applicants respectfully submit that the term "conductive line" as it is used in the Specification, can be readily understood by any person of ordinary skill in the field of integrated circuit structures. Therefore, Applicants request that the objections to the Specification be withdrawn.

The §102 rejection

Claims 40, 41, and 43 are rejected under 35 U.S.C. §102(b) as being anticipated by *Chung* US Patent 5,792,707 (hereinafter, "*Chung*")

Applicants respectfully traverse the rejection. The Office Action has not made a case for anticipation under §102.

Applicants respectfully traverse the rejection outlined in the Office Action. In reviewing the rejection, the rejection has been presented in a way that one of ordinary skill in the art cannot ascertain that an identical invention has been presented that anticipates Applicants' claimed features. For example, the Office action discloses in *Chung* "...which is shown to be *substantially aligned with and disposed above* the underlying conductive lines (Office Action, page 3 lines 7-8)." In contrast, Applicants' claimed feature "a light transmissive dielectric layer having a *planar portion disposed above, and substantially vertically aligned aligned with, an underlying reflective patterned conductive line. . .*" is not disclosed by *Chung*.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). This rule is reflected in MPEP § 707.07(d) which states: "Where a claim is refused for any reason relating to the

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merits thereof it should be 'rejected' and the ground of rejection fully and clearly stated." The presentation of *Chung* does not overcome this burden.

Furthermore, MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

The Office Action's discussion of *Chung* does not support the rejection. For example, in *W.L. Gore & Assocs v. Garlock*, 721 F. 2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. Denied, 469 U.S. 851 (1984) the Federal Circuit states that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." It is not enough, however, that the prior art reference disclose all the claimed elements in isolation. Rather, as stated by the Federal Circuit, "[a]nticipation requires the presence in a single prior art reference disclosure each and every element of the claimed invention, as arranged in the claim. (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F. 2d 1452, 221 USPQ 481, 485 (Fed. Cir 1984).

Applicants respectfully assert that the case for anticipation with respect to these claimed features has not been made. Applicants request that the §102 rejections be withdrawn.

The §103 rejection

Claim 42 is rejected under 35 U.S.C. §103(a) as being obvious over *Chung* and further in view of U.S. Patent 6,013,574 (*Hause*).

The office action concedes that *Chung* does not teach that the reflectance polish stop is amorphous silicon or silicon oxynitride. Furthermore, there is no suggestion or motivation in *Chung* to make the combination with *Hause*. Upon review of *Chung*, there is no mention of "antireflective" properties in reference to the "using (CMP) two polish stop layers and a reversed reduced size mask. (*Chung*, col. 1, lines 6-10). Consequently, *Chung*'s silence regarding the polish stop layers' properties does not provide motivation

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to combine *Chung* with *Hause* to provide a basis to reject under §103(a) Applicants' claimed features.

Furthermore, MPEP 2143.01 provides:

The mere fact the references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. In *re Mills*, 916 F. 2d 680, 16USPQ2d 1430 (Fed. Cir. 1990)

Applicants request that the §103 rejection be withdrawn.

Conclusion

Applicants believe they have addressed the Examiner's concerns and believe the claims, as presented, are allowable over the cited references. A timely Notice of Allowance is requested.

Please charge any fees other than the issue fee and credit any overpayments to Deposit Account 14-1270.

Respectfully submitted,

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